

DISTRICT OF TEXAS DALLAS DIVISION FILED

ORIGINAL

KEITH B. BURKINS
PLAINTIFF

V.S.

ROGER A. RUDLOFF, et. al.;
DEFENDANT

§

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§

CIVIL ACTION NO. 3-00CV 2377-M

DEC 20 2002

CLERK, U.S. DISTRICT COURT

By _____
Deputy

PLAINTIFF'S FIRST SET OF REQUEST FOR PRODUCTION

TO: DEFENDANT, ROGER A. RUDLOFF, et. al., 1999 BRYAN STREET 34th FLOOR
DALLAS TX. 75201

PLAINTIFF, KEITH B. BURKINS, IN THE ABOVE-ENTITLED AND NUMBERED
CAUSE, PURSUANT TO RULES 26 AND 33(B) OF THE FEDERAL RULES OF CIVIL
PROCEDURE, HEREBY SUBMITS PLAINTIFF'S FIRST SET OF REQUEST FOR PRODUCTION
TO DEFENDANT ROGER A. RUDLOFF, et. al.,

I.

DEFINITIONS

1. THE TERM "DEFENDANT", "YOU" OR "YOUR" SHALL BE SYNONYMOUS AND SHALL MEAN
ROGER A. RUDLOFF et. al., AND SHALL INCLUDE ANY AGENTS, REPRESENTATIVES,
ATTORNEYS, INVESTIGATORS OR ANY OTHER PERSON OR ENTITY ACTING ON BEHALF OF DEFENDANT.
 2. THE TERM "THE LAWSUIT" SHALL MEAN THE ABOVE-NUMBERED AND STYLED PROCEEDING.
 3. THE TERM "PLAINTIFF" SHALL MEAN AND REFER TO [REDACTED] KEITH B. BURKINS AND
SHALL INCLUDE ANY AGENTS, REPRESENTATIVES, ATTORNEYS, INVESTIGATORS OR ANY
OTHER PERSON OR ENTITY ACTING ON BEHALF OF THE PLAINTIFF.
 4. THE TERM "DOCUMENT" OR "DOCUMENTS" SHALL MEAN ALL WRITTEN, RECORDED, TRANS-
CREATED, PUNCHED, TAPED, FILMED OR GRAPHIC MATTER, HOWEVER PRODUCED OR REPROD-
UCED, OF EVERY TYPE AND DESCRIPTION THAT IS OR HAS BEEN IN YOUR POSSESSION,
CUSTODY OR CONTROL, INCLUDING, BUT NOT LIMITED TO, CORRESPONDENCE.
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STENOGRAPHIC OR HANDWRITTEN NOTES, PICTURES (DRAWINGS AND PHOTOGRAPHS) VOICE RECORDINGS, APPRAISALS, MINUTES, STATISTICAL COMPUTATIONS, LISTINGS OF TELEPHONE CALLS, LEDGERS, BOOKS OF ACCOUNT, FINANCIAL AND BUSINESS RECORDS, CONTRACTS, AGREEMENTS, DIARIES, ELECTRONIC MAILS, EXPENSE RECORDS, ACCOUNTS PAYABLE, ACCOUNTS RECEIVABLE, ANALYSIS, AND COMPUTER RECORDS (TRANSLATED, IF NECESSARY, BY THE PERSON OR ENTITY THAT HAS CONTROL OF SUCH RECORDS THROUGH DETECTION DEVICES INTO REASONABLY USABLE FORM); EVERY DRAFT OF EACH SUCH DOCUMENT; AND EVERY COPY OF EACH SUCH DOCUMENT WHERE SUCH COPY IS NOT AN IDENTICAL COPY OF AN ORIGINAL OR OTHER COPY OF WHERE SUCH COPY CONTAINS ANY COMMENTARY OR NOTATION WHATSOEVER THAT DOES NOT APPEAR ON THE ORIGINAL OR OTHER COPY.

5. THE TERM "THE PETITION" SHALL REFER TO THE PLAINTIFF'S ORIGINAL COMPLAINT FILED IN THIS CAUSE OF ACTION, AND SHALL INCLUDE ANY AMENDMENTS OR SUPPLEMENTS THERETO.

II.

INSTRUCTIONS FOR REQUESTS

1. PURSUANT TO RULE 34 OF THE FEDERAL RULES OF CIVIL PROCEDURE, PLAINTIFF PROPOUNDS THE FOLLOWING REQUESTS TO DEFENDANT TO BE ANSWERED WITHIN (30) DAYS FROM SERVICE HEREOF.
2. PURSUANT TO RULE 26(e) OF THE FEDERAL RULES OF CIVIL PROCEDURE, YOU HAVE A DUTY TO SUPPLEMENT IF YOU OBTAIN INFORMATION UPON THE BASIS OF WHICH YOU KNOW THE ANSWER GIVEN TO THE FOLLOWING REQUESTS WAS INCORRECT WHEN MADE AND IS NO LONGER TRUE AND THE CIRCUMSTANCES ARE SUCH THAT A FAILURE TO AMEND THE ANSWER IS IN SUBSTANCE A KNOWING CONCEALMENT OR MISREPRESENTATION.
3. EACH AND EVERY PARTICULAR PART MUST BE ANSWERED WITH THE SAME FORCE AND EFFECT AS IF EACH WERE THE SUBJECT OF AND WERE ASKED BY A PLAINTIFF'S FIRST SET OF REQUEST FOR PRODUCTION - PAGE [#]2.

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A SEPARATE REQUEST, IF YOU ARE UNABLE TO PRODUCE ANY DOCUMENT EXPRESSLY REQUESTED OR WHICH IS REQUIRED TO BE PRODUCED BY OPERATION OF THE DEFINITIONS SECTION ABOVE, SO STATE, AND, TO THE EXTENT POSSIBLE, SET FORTH THE REASON FOR YOUR INABILITY TO PRODUCE SAID DOCUMENTS.

4. TO THE EXTENT THAT YOU BELIEVE ANY OF THE FOLLOWING REQUESTS ARE OBJECTIONABLE, ANSWER SO MUCH OF EACH REQUEST AS IS NOT, IN YOUR VIEW, OBJECTIONABLE AND SEPARATELY STATE THAT PART OF EACH REQUEST TO WHICH YOU HAVE RAISED OBJECTION AND EACH GROUND FOR SUCH OBJECTION.
5. YOU ARE RESPECTFULLY REMINDED OF YOUR DUTY TO SUPPLEMENT YOUR ANSWERS IN ACCORDANCE WITH RULE 26(E) OF THE FEDERAL RULES OF CIVIL PROCEDURE.

III. REQUESTS

REQUEST NO. 1:

PLEASE PRODUCE A COPY OF ANY AND ALL CORRESPONDENCE (INCLUDING BUT NOT LIMITED TO LETTERS, NOTES, MEMORANDA) TO, OR RECEIVED BY ~~██████~~ DEFENDANT FROM PLAINTIFF AND/OR FROM ANY SOURCE REGARDING THIS LAWSUIT.

RESPONSE:

REQUEST NO. 2:

PLEASE PRODUCE A COPY OF ANY AND ALL DOCUMENTS DEFENDANT IDENTIFIED IN HIS RESPONSE TO PLAINTIFF'S FIRST SET OF INTERROGATORIES.

RESPONSE:

REQUEST NO. 3:

PLEASE PRODUCE A COPY OF ANY AND ALL NOTES, WRITTEN STATEMENTS OR CORRESPONDENCE BY ANY PERSON EVIDENCING, RELATING OR REFERRING PLAINTIFF'S FIRST SET OF REQUESTS FOR PRODUCTION - PAGE #3.

RESPONSE:

REQUEST NO. 4.

PLEASE PRODUCE A COPY OF ANY AND ALL WRITTEN REPORTS, RECORDS, OR OTHER DOCUMENTS, IF ANY, REGARDING ANY COMPLAINTS MADE AND/OR FILED, FOR POLICE BRUTALITY, EXCESSIVE USE OF FORCE, AND/OR FOR ANY-THING RACIAL, AT ANY TIME? AGAINST DEFENDANT AND WHAT DISCIPLINARY ACTION ^{TAKEN}

RESPONSE:

REQUEST NO. 5.

PLEASE PRODUCE A COPY OF ANY AND ALL DOCUMENTS EVIDENCING, RELATING TO OR REFERRING TO ANY AND ALL FACTS UNDERLYING THAT DEFENDANT DID NOT USE AN "EXCESSIVE USE OF FORCE".

RESPONSE:

REQUEST NO. 6.

PLEASE PRODUCE A COPY OF ANY AND ALL DOCUMENTS EVIDENCING, RELATING TO OR REFERRING TO EACH AND EVERY EXPERT WITNESS YOU MAY CALL ON YOUR BEHALF IN THE TRIAL OF THIS CASE (THROUGH LIVE TESTIMONY OR DEPOSITION) OR WHOSE OPINIONS OR IMPRESSIONS HAVE BEEN REVIEWED BY AN EXPERT WITNESS YOU MAY CALL ON YOUR BEHALF TO TESTIFY AT THE TRIAL OF THIS CASE. FOR EACH EXPERT, PLEASE PRODUCE:

- (A) A CURRENT CURRICULUM VITAE;
- (B) A REPORT DETAILING THE OPINIONS OF EXPERT WITNESS AND THE BASIS FOR SAID OPINION; AND
- (C) ANY EXHIBITS TO BE USED AS A SUMMARY OF OR SUPPORT FOR THE OPINIONS.

RESPONSE:

PLAINTIFF'S FIRST SET OF REQUESTS FOR PRODUCTION - PAGE 4. *

PLEASE PRODUCE A COPY OF ANY AND ALL DOCUMENTS EVIDENCING, RELATING TO OR REFERRING TO THE STOP AND/OR ~~DETENTION~~ DETENTION OR ARREST OF PLAINTIFF FOR A TRAFFIC VIOLATION MADE BY DEFENDANT ON NOVEMBER 17, 1999.

RESPONSE:

REQUEST NO. 8.

PLEASE PRODUCE A COPY OF THE NAMES OF ANY AND ALL THE FAMILY MEMBERS THAT YOU HAVE ON THE DALLAS POLICE DEPARTMENT THAT ARE DIRECT AND/OR BY MARRIAGE AND STATE THEIR RELATION TO DEFENDANT.

RESPONSE:

REQUEST NO. 9.

PLEASE PRODUCE A COPY OF ANY AND ALL DOCUMENTS EVIDENCING, RELATING TO OR REFERRING TO THAT DEFENDANT READ PLAINTIFF HIS RIGHTS FOR THE CHARGES RESISTING AND EVADING ARREST IF ANY.

RESPONSE:

REQUEST NO. 10.

PLEASE PRODUCE A COPY OF ANY AND ALL DOCUMENTS EVIDENCING, RELATING TO OR REFERRING TO DEFENDANT EVER HAVING ANYTHING ON HIS (POLICE AND/OR PERSONAL) RECORD FOR ANYTHING OF A VIOLENT NATURE OR ANYTHING OF A RACIAL NATURE, IN HIS LIFE OR CAREER.

RESPONSE:

REQUEST NO. 11.

PLEASE PRODUCE A COPY OF ANY AND ALL DOCUMENTS EVIDENCING, RELATING TO OR REFERRING TO THE INTERNAL AFFAIRS DIVISION INVESTIGATION IN ITS TOTALITY WHICH TOOK PLACE FROM THE ALLEGATIONS MADE BY PLAINTIFF'S FIRST SET OF REQUESTS FOR PRODUCTION - PAGE #5.

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PLAINTIFF, AND ALSO THE INVESTIGATION WHICH WAS CONDUCTED BY THE
DALLAS POLICE DEPARTMENT.

RESPONSE:

REQUEST NO. 12.

PLEASE PRODUCE COPY OF THE VIDEO TAPING FROM DEFENDANTS SQUAD
CAR AND A COPY OF THE SURVILLANCE CAMERA FROM THE SHELL GAS STATION.
IF ANY.

RESPONSE:

REQUEST NO. 13.

PLEASE PRODUCE A COPY OF ANY AND ALL DOCUMENTS EVIDENCING, RELATING
TO OR REFERRING TO THE PROCEDURES OF THE DALLAS POLICE DEPARTMENT
(PACKET) FOR TRAFFIC MOVING VIOLATIONS, AND ALSO AN (PACKET) ARREST-
ING PROCEDURE OF THE DALLAS POLICE DEPARTMENT AND GUIDE LINE OF
MAKING AN ARREST.

RESPONSE:

REQUEST NO. 14.

PLEASE PRODUCE A COPY OF ANY AND ALL DOCUMENTS EVIDENCING,
RELATING TO OR REFERRING, TO THE PLEDGE OF THE DALLAS POLICE
DEPARTMENT THAT ONE MUST TAKE TO BE AN OFFICE OF THE LAW.

RESPONSE:

REQUEST NO. 15.

PLEASE PRODUCE A COPY OF ANY AND ALL DOCUMENTS EVIDENCING,
RELATING TO OR REFERRING TO THE DALLAS POLICE DEPARTMENT'S
(TOTAL PACKET) CODE OF CONDUCT FOR OFFICERS.

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REQUEST NO. 16.

PLEASE PRODUCE A COPY OF ANY AND ALL DOCUMENTS REGARDING, EVIDENCING, OR RELATING TO OR REFERRING TO ANY AND ALL INDIVIDUALS WHOM DEFENDANT HAS ARRESTED FROM THE ADDRESS ON ATLANTA AND PEABODY. GIVE ALL THEIR NAMES ADDRESS PHONE NUMBERS AND THE DATES OF THEIR ARRESTS. AND ALSO PRODUCE DOCUMENTATION OF ALL THE DISPATCHES IN WHICH YOU ANSWERED FOR THAT SAME ADDRESS AND HAVE YOU HAD ANY ENCOUNTERS WITH A GUY BY THE NAME OF BOBO.

RESPONSE:

REQUEST NO. 17.

PLEASE PRODUCE A COPY OF ANY AND ALL DOCUMENTS EVIDENCING, RELATING TO OR REFERRING TO THE STANDARDS FOR AN ARRESTED CRIMINAL TO MAKE A PHONE CALL AND ALL THE CIRCUMSTANCES FOR DOING SO.

RESPONSE:

REQUEST NO. 18.

PLEASE PRODUCE A POLYGRAPH TEST TO PROVE THAT YOU DID CONFESS TO OFFICER TURNER AT BAYLOR HOSPITAL WHILE PLAINTIFF WAS UNDERGOING SURGERY. PLAINTIFF WILL ALSO TAKE A POLYGRAPH TEST TO PROVE THAT HE'S NOT A LIAR. WILL YOU CONSENT OR WILL OFFICER TURNER?

RESPONSE:

REQUEST NO. 19.

PLEASE PRODUCE A COPY OF YOUR MEDICAL HISTORY FROM THE AGE OF 17 TO THE PRESENT DAY.

RESPONSE:

REQUEST NO. 20.

PLEASE PRODUCE A COPY OF ANY AND ALL DOCUMENTS EVIDENCING, RE-
PLAINTIFF'S FIRST SET OF REQUESTS FOR PRODUCTION - PAGE # 7.

LATING TO OR REFERRING TO WHAT ENTITLES ASSAULT ON A POLICE OFFICER. PRODUCE A COPY OF THE DALLAS POLICE DEPARTMENT'S CHARGING GUIDE LINES FOR THE ASSAULT OF AN OFFICER CHARGE (PACKET)

RESPONSE:

REQUEST NO. 21.

PLEASE PRODUCE A COPY OF ANY AND ALL DOCUMENTS EVIDENCING, RELATING TO OR REFERRING TO DEFENDANT EVER OBTAINING ANY DRUGS AND/OR DRUG PARAPHENALIA FROM PLAINTIFF OR HIS VEHICLE AND/OR ANY DOCUMENTATION OF ANY MEDICAL REPORT OF PLAINTIFF'S STOMACH BEING PUMPED FOR DRUGS?

RESPONSE:

REQUEST NO. 22.

PLEASE PRODUCE A COPY OF ANY AND ALL DOCUMENTS EVIDENCING, RELATING TO OR REFERRING TO PLAINTIFF EVER CONFIRMED THAT HE DID HAVE NARCOTICS IN HIS? PRODUCE DOCUMENTATION AND/OR CHARGE THAT PLAINTIFF POSSESSED NARCOTICS ■ THAT YOU SAID HE ADMITTE TO POSSESSING?

RESPONSE:

REQUEST NO. 23.

PLEASE PRODUCE A COPY OF ANY AND ALL DOCUMENTS EVIDENCING, RELATING TO OR REFERRING TO THE BEATING THAT PLAINTIFF SUSTAINED FROM THE DEFENDANT. I WOULD LIKE A COPY OF THE PICTURES THAT THE I.A.D USED TO ASIST IN MAKING THEIR RULING OF GUILT AGAINST YOU FOR ALL SUSTAINED ALLEGATIONS MADE BY PLAINTIFF. AND/OR CAN I VIEW YOUR COPY?

RESPONSE:

PLAINTIFF'S FIRST SET OF REQUESTS FOR PRODUCTION - PAGE 8. [#]

PLEASE PRODUCE A COPY OF ANY AND ALL DOCUMENTS EVIDENCING, RELATING TO OR REFERRING TO EVERYONE WHOM YOU WERE IN THE POLICE ACADEMY WITH THAT GRADUATED WITH YOU GIVE ALL NAMES AND WHAT'S YOUR RELATIONSHIP WITH EACH?

RESPONSE:REQUEST NO. 25.

PLEASE PRODUCE A COPY OF THE FOLLOWING AFFIANTS' DORTHY TOLIVER'S LEONARD RAYNOLDS'S POLICE RECORDS AND/OR THE DATES THAT THEY WERE LAST ARRESTED AND WHAT FOR AND WHAT WAS THE OUTCOMES OF THOSE ARRESTS?

RESPONSE:REQUEST NO. 26.

PLEASE PRODUCE A COPY OF ANY AND ALL DOCUMENTS EVIDENCING RELATING TO OR REFERRING TO A COPY OF YOUR USE OF FORCE AND/OR EXCESSIVE USE OF FORCE (PACKET) FOR THE DALLAS POLICE DEPARTMENT DEFINING THE DIFFERENCE BETWEEN THE TWO?

RESPONSE:REQUEST NO. 27.

PLEASE PRODUCE A COPY OF ANY AND ALL DOCUMENTS EVIDENCING, RELATING TO OR REFERRING TO THE TOTALITY OF PLAINTIFF'S INJURIES. MEDICAL RECORDS.
RESPONSE:

REQUEST NO. 28.

PLEASE PRODUCE A COPY OF ANY AND ALL DOCUMENTS, NOTES, WRITTEN STATEMENTS OR CORRESPONDENCE BY ANY PERSON OR ENTITY AND/OR AGENTS EVIDENCING, RELATING OR REFERRING TO ANY OF DEFENDANTS CLAIMS WHICH WILL BE HELPFUL OR ████████ VALUABLE TO PLAINTIFF IN ANY KIND OF WAY;

RESPECTFULLY SUBMITTED,

Keith B. Burkins

KEITH B. BURKINS #1013686

12071 F.M. 3522

ABILENE T.X. 79601

CERTIFICATE OF SERVICE

THIS IS TO CERTIFY THAT A TRUE AND CORRECT COPY OF THE ABOVE
AND FOREGOING HAS BEEN FORWARDED TO THE FOLLOWING PERSONS ON THIS
THE (15) FIFTEENTH DAY OF DECEMBER, 2002:

WHITE & WIGGINS, L.L.P

KEVIN B. WIGGINS, BAR CARD NO. 21441600

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E
1

TRACY R. WALLACE, BAR CARD NO. 00797617

1999 BRYAN STREET, STE. 3470

DALLAS T.X. 75201

FORWARDED ALSO TO

UNITED STATES DISTRICT COURT
OFFICE OF THE CLERK

NORTHERN DISTRICT OF TEXAS

1100 COMMERCE - RM 1452

DALLAS TEXAS 75242-1452

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